



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2495

schools; sexually explicit materials; prohibition

Purpose

Prohibits a public school from referring a student to, or using, sexually explicit material in any manner, unless the material is classical literature, early American literature or required for college credit and the school obtains parental consent and provides an alternative assignment if parental consent is not secured.

Background

A parent of a student in a school district, charter school, accommodation school or the Arizona State Schools for the Deaf and the Blind (public educational institution) has the right to review learning materials and activities in advance. If the parent objects to any learning material or activity on the basis that it is harmful, the parent may: 1) request to withdraw the student from the activity, class or program; and 2) request an alternative assignment. A charter school that annually provides a complete list of books and materials before the student enrolls may require parents to waive their right to object as a condition of enrollment. *Objects to any learning material or activity on the basis that the material or activity is harmful* means objecting to the material or activity because of sexual content, violent content or profane or vulgar language.

A public educational institution must obtain signed, written consent from a student's parent or guardian before: 1) using video, audio or electronic materials that may be inappropriate for the student's age; or 2) providing sex education instruction to the student ([A.R.S. § 15-113](#)).

School district governing board policies must include procedures by which parents: 1) may learn about course of study and review learning materials; 2) may withdraw their children from an activity or a class or program on the basis that a material is harmful; 3) in courses other than formal sex education curricula, will be notified and given the opportunity to opt their children in to any instruction, learning materials or presentations regarding sexuality ([A.R.S. § 15-102](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a public school from referring a student to or using any sexually explicit material in any manner.
2. Allows materials to be exempt from the prohibition if:
 - a) the exempted material is classical literature, early American literature or a required book for a course to obtain college credit;

FACT SHEET

H.B. 2495

Page 2

- b) the public school requires written parental consent before referring a student to or using the material; and
 - c) the public school provides students for whom parental consent is not secured with an alternative assignment that does not contain sexually explicit material.
3. Directs a public school to require parental consent on a per-material basis.
4. Defines *sexually explicit material* to include textual, visual or audio materials or materials accessed via any other medium that depict:
- a) *sexual conduct*, defined as acts of masturbation, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person is a female, breast;
 - b) *sexual excitement*, defined as the condition of human male or female genitals when in a state of sexual stimulation or arousal; or
 - c) *ultimate sexual acts*, defined as sexual intercourse, vaginal or anal, fellatio, cunnilingus, bestiality or sodomy.
5. States that a sexual act is simulated when it depicts explicit sexual activity that gives the appearance of consummation of ultimate sexual acts.
6. Becomes effective on the general effective date.

House Action

ED	1/25/22	DPA	6-4-0-1
3 rd Read	2/3/22		31-28-1

Prepared by Senate Research

March 11, 2022

LB/slp